THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.21604 OF 2005

DATED: 12-09-2006

Between:

Hazarath Ameeruddin College
of Education

. . .Petitioner

And

The Secretary,
Education Department,
Govt. of A.P., Hyderabad, and others

. . .Respondents

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WRIT PETITION No.21604 OF 2005

O R D E R:

The petitioner, which is an institution, has filed this writ petition questioning the proceedings issued by the National Council for Teacher Education (N.C.T.E.), dated 13.02.2004 while granting recognition to the petitioner institution fixing the intake capacity of 100 students.

Initially, the petitioner institution obtained a no objection certificate from the Commissioner and Director of School Education, Andhra Pradesh, Hyderabad in accordance with the regulations framed under N.C.T.E. Act, 1993 (for short 'the Act') in view of the then regulations framed under the Act. As per the old regulations, there was a requirement of no objection certificate from the State authority before grant of recognition by the competent authority under the Act. It is the case of the petitioner institution that while granting no objection certificate for the intake capacity of 120, the competent authority while granting recognition as required under Section 14 (1) of the Act, has restricted the same only to 100 in respect of the same institution.

It is to be noticed that the intake capacity is to be fixed basing on the availability of infrastructure provided by the petitioner institution. Merely because while issuing no objection certificate the State

authority has stated that the intake capacity should be 120, it is not automatic for the competent authority to grant recognition by fixing the intake capacity for the same number of seats.

In that view of the matter, I do not find any valid ground to invalidate the impugned proceedings to the extent of fixing of intake capacity only for 100.

But, however, it is to be noticed that in view of the amended regulations framed under the Act, which came into force from 13.01.2006, it is open for the petitioner to submit a representation to the competent authority for the increase of intake capacity.

It is stated by the learned counsel for the petitioner institution that earlier a representation, dated 16.05.2005 was submitted to the Regional Director, N.C.T.E., protesting the fixation of intake capacity at 100. But, however, it is to be seen that the application submitted to the competent authority is not in accordance with the prescribed proforma.

In that view of the matter, I am of the opinion that the writ petition is disposed of permitting the petitioner institution to submit an application before the competent authority for increase of intake capacity. If such an application is filed, the competent authority shall consider the same and pass appropriate orders in accordance with the regulations framed under the Act. Further, it is open for the respondents to make inspections about the availability of infrastructure to consider such request.

Subject to the above observations, the writ petition is disposed of. No order as to costs.

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(R.SUBHASH REDDY, J)

12th SEPTEMBER, 2006.

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